IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.362 OF 2006

Shaikh Akbar Shaikh Bhikan ..Appellant.

Vs.

Smt.Lilabai Shankar Patil
& Ors. ..Respondents.

Mr.G.S.Godbole for the Appellant.
None for the Respondents.

CORAM : S.J. VAZIFDAR, J.
DATED : 17TH AUGUST, 2007

P.C. :

Both the Courts below have held against the Plaintiff and dismissed the suit for specific performance. Specific performance was sought of an agreement dated 6th September, 1971. The vendors were the five Respondents. Admittedly, the agreement was executed only by one of the Respondents.

2. It is contended that specific performance should atleast be granted against Respondent No.1 so far as her share in the property is concerned. The lower Appellate Court has found that the agreement was one of security and not sale. Apart from that, both the Courts have held that the Appellant was not ready and willing to perform his part of the contract.

3. Clearly, there is no question of law that arises in this regard as the evidence has been dealt with exhaustively.

4. In the circumstances, no question of law arises. The Second Appeal is therefore dismissed.